

REMARKS

Applicants appreciate the notification of allowable subject matter, i.e., that claims 1 and 10-18 are allowed.

Claims 1 and 10-20 are pending in the application. Independent claim 19 has been amended to overcome the rejection under 35 USC 101. The amendment is fully supported by the application as originally filed (see, e.g., specification at page 1, lines 6-24).

As amended, independent claim 19 identifies a specific and substantial utility, i.e., determining the thickness of a thin film "during fabrication of the thin film to optimize fabrication yield and reliability of the thin film."

For example, as described on page 1, lines 19-21 of the specification, the thickness of a thin film "greatly affects the pattern formation in thin films as well as to the properties such as conductivity and insulation thereof." Therefore, by determining the thickness of the thin film, it is possible to optimize these properties and thus improve product yield and reliability in a fabrication process for producing the thin film (see, e.g., specification at page 1, lines 22-24). The thin film itself has a variety of practical uses in the field of electronic component fabrication (see, e.g., specification at page 1, lines 6-11).

Claims 19 and 20 were rejected under 35 USC 101 "because the claimed invention is directed to non-statutory subject matter." This rejection is respectfully traversed.

On page 2 of the Office Action of 04/23/2007, the Examiner stated: "The final result of the claimed invention is the determination of a thin film thickness. As such, the final result is a number. Although the number may be representative of a real world property, the result is simply a number not a practical application of a number."

In particular, the Examiner indicated that the "number [should be] claimed as used in a practical application or claimed so that the number is made available in such a manner that its usefulness in a disclosed practical application can be realized" (see page 2 of the Office Action of 04/23/2007).

As amended, independent claim 19 identifies the specific and substantial utility of determining the thickness of a thin film "during fabrication of the thin film to optimize fabrication yield and reliability of the thin film."

One of ordinary skill in the art would recognize that the use of a thin film thickness measurement method to determine the thickness of a thin film for the purpose of optimizing fabrication yield and reliability of the thin film during fabrication of the thin film constitutes a specific and substantial utility of the claimed invention.

It is believed that the amendment to independent claim 19 overcomes the rejection of claims 19 and 20 under 35 USC 101, and meets the requirements listed in the utility examination guidelines of MPEP 2107.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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Date: June 22, 2007

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